

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1/23/12</u>

Engelmann, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STARR INTERNATIONAL COMPANY,
INC., INDIVIDUALLY AND :
DERIVATIVELY ON BEHALF OF :
AMERICAN INTERNATIONAL GROUP, :
INC., :

Plaintiff, :

Civil Action No. 11-8422 (PAE)

- against - :

FEDERAL RESERVE BANK OF NEW
YORK, :

STIPULATION AND
~~PROPOSED~~ ORDER

Defendant, :

and AMERICAN INTERNATIONAL
GROUP, INC., a Delaware corporation, :

Nominal :
Defendant. :
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WHEREAS, Plaintiff has filed a separate action against the United States of America in the Court of Federal Claims relating to many of the same events as alleged in the Complaint in this action;

WHEREAS, for efficiency's sake, the parties wish to coordinate the filing of currently contemplated amendments to the pleadings and dispositive motions in the above-captioned matter with such filings in the Court of Federal Claims action;

WHEREAS, on December 2, 2011 and December 13, 2011 Defendant and Nominal Defendant respectively requested extensions of time to respond to the Complaint until January 20, 2012, which were granted on December 5, 2011 and December 14, 2011;

WHEREAS, Plaintiff intends to file an amended complaint in both this action and the Court of Federal Claims action;

WHEREAS, the parties in the Court of Federal Claims action intend to file a joint motion to modify the scheduling order pursuant to the deadlines set forth below;

WHEREAS, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, written consent of the opposing party or leave of the Court is required to enable Plaintiff to file an amended complaint because more than 21 days has elapsed since service of the Complaint and Defendant and Nominal Defendant have not yet served a responsive pleading or a Rule 12 motion, and thus Rule 15(a)(1) is not applicable at this time;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, Defendant, and Nominal Defendant, subject to the approval of the Court, as follows:

1. Plaintiff shall provide Defendant and Nominal Defendant a copy of the proposed First Amended Complaint no later than January 31, 2012;
2. If written consent is obtained from Defendant and Nominal Defendant pursuant to Rule 15(a)(2), Plaintiff shall file and serve the First Amended Complaint forthwith;
3. If such written consent is not obtained, Plaintiff shall move this Court for leave to file the First Amended Complaint and, if such leave is granted, shall file and serve the First Amended Complaint;
4. Defendant and Nominal Defendant shall each have sixty (60) days to file an answer, motion to dismiss, or other pleading after the filing and service of the First

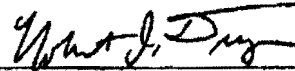
Amended Complaint or denial of the motion for leave to file the First Amended Complaint;

5. Plaintiff shall have sixty (60) days after the filing of a motion to dismiss by Defendant or Nominal Defendant to respond to or oppose such motion; and

6. Defendant and Nominal Defendant shall each have thirty (30) days after the filing of any opposition or response to such motions to dismiss to file replies.

DATED: January 19, 2012

By



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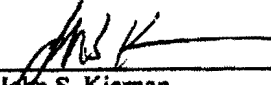
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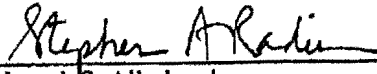

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DATED: January 19, 2012

By


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*Attorneys for Nominal Defendant American
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SO ORDERED:



Hon. Paul A. Engelmayer
United States District Judge

Dated: New York, New York
January 23, 2012